



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL  
ATTORNEY GENERAL

November 29, 1974

The Honorable Joe Resweber  
County Attorney  
Harris County Courthouse  
Houston, Texas 77002

Opinion No. H- 463

Re: Construction of Article  
42.13, Tex. Code Crim.  
Proc., regarding fur-  
nishing of fingerprints  
as a term of probation

Dear Mr. Resweber:

You have requested our opinion concerning the construction of section 5(b)(10) of the Misdemeanor Probation Law, Tex. Code Crim. Proc., Article 42.13, which provides:

(b) . . . The terms [of probation] must include, but are not limited to, the requirement that a probationer:

(10) submit a copy of his fingerprints to the sheriff's office of the county in which he was tried.

The clerk shall send such fingerprints to the Texas Department of Public Safety [for certification as to criminal record] . . .

You ask whether the sheriff's office is responsible for taking the fingerprints and, if not, whether the probationer must procure the services of an expert to do so.

Statutes are to be construed with reference to their general purposes and ends. Magnolia Petroleum Co. v. Walker, 83 S.W.2d 929 (Tex. 1935); State v. Hale, 146 S.W.2d 731 (Tex. 1941); City of Mason v. West Texas Utilities Co., 237 S.W.2d 273 (Tex. 1951). The purpose of section 5(b)(10) is to facilitate a true examination of the probationer's criminal record if any exists. A pre-requisite to the fulfillment of this purpose is a true and adequate copy of the fingerprints. Not only must the fingerprints be

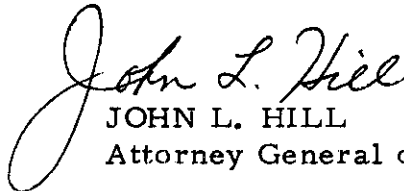
those of the probationer, but they also must be of a quality adequate to allow an accurate comparison with those prints in the records of the Department of Public Safety.

This degree of reliability may be most easily attained through the submission of a copy of fingerprints which have been taken by a law enforcement agency. It is therefore our opinion that the probationer may satisfy section 5(b)(10) by either submitting a sufficiently authenticated and clear copy of his fingerprints or by making himself available for fingerprinting by the sheriff's office.

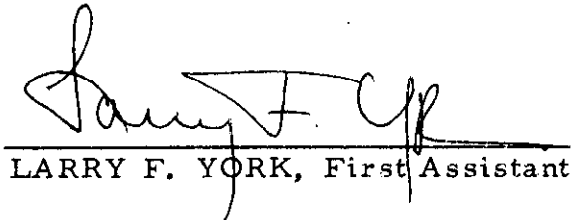
S U M M A R Y


A probationer may satisfy Article 42.13, section 5(b)(10), Tex. Code Criminal Procedure, by either submitting a sufficiently authenticated and clear copy of his fingerprints or making himself available to the sheriff's office for fingerprinting. With respect to the latter, the sheriff's office has the duty to take the fingerprints.

Very truly yours,

  
JOHN L. HILL  
Attorney General of Texas

APPROVED:

  
LARRY F. YORK, First Assistant

  
DAVID M. KENDALL, Chairman  
Opinion Committee